

DISABLED ADVOCACY GROUP, APLC  
12 WILLIAMSBURG LANE  
CHICO, CA 95926  
(530) 895-3252

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

MCIVER

Plaintiff(s)

v.

ELEPHANT BAR RESTAURANT

Defendant(s)

CASE NUMBER:  
08CV0695H(POR)

PROOF OF SERVICE  
SUMMONS AND COMPLAINT

(Use separate proof of service for each person/party served)

1. At the time of service I was at least 18 years of age and not a party to this action and I served copies of the (specify documents):

- a. ☒ summons ☒ complaint ☐ alias summons ☐ first amended complaint  
☐ second amended complaint  
☐ third amended complaint

☐ other (specify):

2. Person served:

- a. ☒ Defendant (name:) S. B. RESTAURANT CO. DBA ELEPHANT BAR RESTAURANT  
b. ☒ Other (specify name and title or relationship to the party/business named):  
PAUL R. POTVIN, AGENT BY LEAVING WITH - LOURDES GOMEZ, RECEPTIONIST  
c. ☒ Address where the papers were served: 14241 FIRESTONE BLVD., # 315  
LA MIRADA, CA 90638

3. Manner of Service in compliance with (the appropriate box must be checked):

- a. ☐ Federal Rules of Civil Procedure  
b. ☒ California Code of Civil Procedure

4. I served the person named in Item 2:


- a. ☐ By Personal Service. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and to the minor if at least twelve (12) years of age.  
1. ☐ Papers were served on (date): at (time):  
b. ☒ By Substituted Service. By leaving copies:  
1. ☐ (home) at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.  
2. ☒ (business) or a person apparently in charge of the office, or place of business, at least 18 years of age, who was informed of the general nature of the papers.  
3. ☒ Papers were served on (date): 04/23/2008 at (time): 11:16 am  
4. ☒ by mailing (by first-class mail, postage prepaid) copies to the person served in Item 2(b) at the place where the copies were left in Item 2(c).  
5. ☒ papers were mailed on (date): 04/24/2008  
6. ☐ due diligence. I made at least three (3) attempts to personally serve the defendant.

PROOF OF SERVICE - SUMMONS AND COMPLAINT

- c. ☐ **Mail and acknowledgment of service.** By mailing (*by first-class mail or airmail, postage prepaid*) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid addressed to the sender. (**Attach completed Waiver of Service of summons and Complaint**).
- d. ☐ **Service on domestic corporation, unincorporated association (including partnership), or public entity. (F.R.Civ.P. 4(h)) (C.C.P. 416.10)** By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, by also mailing, by first-class mail, postage prepaid, a copy to the defendant.
- e. ☐ **Substituted service on domestic corporation, unincorporated association (including partnership), or public entity. (C.C.P. 415.20 only)** By leaving during usual business hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing (*by first-class mail, postage prepaid*) copies of the persons at the place where the copies were left in full compliance with C.C.P. 415.20. Substitute service upon the California Secretary of State requires a court order. (**Attach a copy of the order to this Proof of Service.**)
- f. ☐ **Service on a foreign corporation.** In any manner prescribed for individuals by FRCP 4(f)
- g. ☐ **Certified or registered mail service.** By mailing to an address outside California (*by first-class mail, postage prepaid, requiring a return receipt*) copies to the person served. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- h. ☐ **Other** (specify code section and type of service):
5. Service upon the **United States, and Its Agencies, Corporations or Officers.**
- a. ☐ by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.
- Name of person served:
- Title of person served:
- Date and time of service: (date): at (time):
- b. ☐ By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- c. ☐ By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation (**Attach signed return receipt or other evidence of actual receipt by the person served**).

6. At the time of service I was at least 18 years of age and not a party to this action.

7. Person serving (*name, address and telephone number*):

 **Juan J. Medina**  
**Janney & Janney Attorney Service, Inc.**  
**1545 Wilshire Blvd., Ste. 311**  
**Los Angeles, CA 90017**  
**(213) 628-6338**

a. Fee for service: \$ 100.00

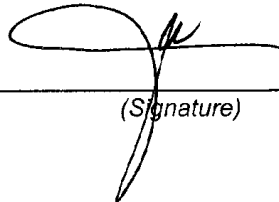
- b. ☐ Not a registered California process server
- c. ☐ Exempt from registration under B&P 22350(b)
- d. ☒ Registered California process server  
 Registration # :5071

8. ☐ I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: April 25, 2008

Juan J. Medina  
 Type or Print Server's Name

  
 (Signature)

PROOF OF SERVICE - SUMMONS AND COMPLAINT

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address)		FOR COURT USE ONLY
<b>DISABLED ADVOCACY GROUP, APLC</b> <b>12 WILLIAMSBURG LANE CHICO, CA 95926</b>  TELEPHONE NO.: (530) 895-3252 FAX NO.: (530) 894-8244 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		
<b>USDC - SOUTHERN DISTRICT - SAN DIEGO</b>  STREET ADDRESS: <b>880 FRONT STREET</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>SAN DIEGO, CA 92101</b> BRANCH NAME: <b>SOUTHERN DISTRICT - SAN DIEGO</b>		
PLAINTIFF/PETITIONER: <b>MCIVER</b> DEFENDANT/RESPONDENT: <b>ELEPHANT BAR RESTAURANT</b>		
<b>PROOF OF SERVICE BY MAIL</b>		
		CASE NUMBER: <b>08CV0695H(POR)</b>

I am a citizen of the United States and employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 1545 Wilshire Blvd., Los Angeles, CA 90017.

On April 24, 2008, after substituted service under section CCP 415.20(a) or 415.20(b) or FRCIV.P 4(d)(1) was made, I mailed copies of the:

**summons; complaint;**

to the defendant in said action by placing a true copy thereof enclosed in a sealed envelope, with First Class postage thereon fully prepaid, in the United States Mail at LOS ANGELES, California, addressed as follows:

**S. B. RESTAURANT CO. DBA ELEPHANT BAR RESTAURANT**  
**14241 FIRESTONE BLVD. # 315**  
**LA MIRADA, CA 90638**

I am readily familiar with the firm's practice for collection and processing of documents for mailing. Under that practice, it would be deposited within the United States Postal Service, on that same day, with postage thereon fully prepaid at LOS ANGELES, California in the ordinary course of business.

Fee for Service: 100.00



Janney and Janney Attorney Service, Inc.  
 1545 Wilshire Blvd.  
 Los Angeles, CA 90017  
 (213) 628-6338

I declare under penalty of perjury under the laws of the State of California that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on April 25, 2008.

Signature: \_\_\_\_\_  
**SUSIE MARRIGAL**

**PROOF OF SERVICE BY MAIL**

Order#: LA349389/GProof5

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address)		FOR COURT USE ONLY	
<b>DISABLED ADVOCACY GROUP, APLC</b> <b>12 WILLIAMSBURG LANE CHICO, CA 95926</b>  TELEPHONE NO.: (530) 895-3252 FAX NO.: (530) 894-8244 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):			
<b>USDC - SOUTHERN DISTRICT - SAN DIEGO</b>  STREET ADDRESS: <b>880 FRONT STREET</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>SAN DIEGO, CA 92101</b> BRANCH NAME: <b>SOUTHERN DISTRICT - SAN DIEGO</b>			
PLAINTIFF/PETITIONER: <b>MCIVER</b> DEFENDANT/RESPONDENT: <b>ELEPHANT BAR RESTAURANT</b>			
<b>NON SERVICE REPORT</b>		CASE NUMBER: <b>08CV0695H(POR)</b>	

I received the within process on April 21, 2008 and that after due and diligent effort I have been unable to personally serve said witness. The following itemization of the dates and times of attempts details the efforts required to effect personal service. Additional costs for diligence are recoverable under CCP §1033.5 (a)(4)(B).

Servee: **S. B. RESTAURANT CO. DBA ELEPHANT BAR RESTAURANT**  
 Documents: **summons; complaint;**

As enumerated below:

**04/23/2008 -- 11:10 am**

**14211 FIRESTONE BLVD., # 315**  
**LA MIRADA, CA 90638**

**UNABLE TO EFFECT SERVICE AT BUSINESS ADDRESS. NO SUCH PERSON OR COMPANY AT GIVEN ADDRESS...**

Fee for Service: 100.00



County: **Los Angeles**  
 Registration No.: **5071**  
**Janney and Janney Attorney**  
**Service, Inc.**  
**1545 Wilshire Blvd.**  
**Los Angeles, CA 90017**  
**(213) 628-6338**

I declare under penalty of perjury under the laws of the State of California that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on **April 25, 2008** at **Los Angeles, California**.

Signature: \_\_\_\_\_

**Juan J. Medina**

**NON SERVICE REPORT**